

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JONATHAN RICH, et al.,

Petitioners,

vs.

SAMUEL GORE, et al.,

Respondents.

Case No. 3:15-cv-00108-RCJ-WGC

ORDER

Petitioners, who have been paroled from incarceration in the Nevada Department of Corrections, have submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioners have not paid the filing fee, nor have they submitted applications to proceed in forma pauperis. However, the subject matter of the action is not suitable for habeas corpus, and the court simply will dismiss the action.

Petitioners allege that they fear being returned to prisons in Nevada because of inadequate nutrition, denial of kosher diets, lack of dental care, lack of vocational training, lack of hot showers, solitary confinement, and other, unspecified unsanitary conditions. “Habeas corpus proceedings are the proper mechanism for a prisoner to challenge the ‘legality or duration’ of confinement. A civil rights action, in contrast, is the proper method of challenging ‘conditions of . . . confinement.’” Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (quoting Preiser v. Rodriguez, 411 U.S. 475, 484, 498-99 (1973)). Petitioners need to raise these claims in their own, separate civil rights actions pursuant to 42 U.S.C. § 1983.

1 Reasonable jurists would not find this conclusion to be debatable or wrong, and the court
2 will not issue a certificate of appealability.

3 Petitioner Jonathan Rich has filed a motion to withdraw (#3). The motion is moot because
4 the court is dismissing the action in its entirety.

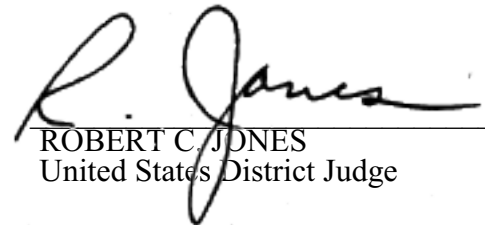
5 IT IS THEREFORE ORDERED that the motion to withdraw (#3) is **DENIED** as moot.

6 IT IS FURTHER ORDERED that this action is **DISMISSED**. The clerk of the court shall
7 enter judgment accordingly.

8 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

9 IT IS FURTHER ORDERED that the clerk of the court shall serve this order and judgment
10 upon each petitioner.

11 Dated: June 25, 2015

12
13 
14 ROBERT C. JONES
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28